

| Patent No. | Reexam No.                             | Status           | Claims Confirmed/Allowed by the Board  |
|------------|--|------------------|--|
| 5,436,960  | 90/006,533<br>90/006,675<br>90/007,731 | Affirmed in part | 4, 6, 11, 15, 17, 21, 23, 28, 32, 34, 38, 40, 45, 49, 51, 55, 57, 62, 67, 79 |
| 5,438,611  | 90/006,676                             | Affirmed         |  |
| 5,479,472  | 90/006,677                             | Affirmed in part | 10, 12, 14, 16, 18, 20, 29, 31, 33, 35, 37                                   |
| 5,625,670  | 90/006,491<br>90/006,678<br>90/007,723 | Affirmed in part | 567-570  |
| 5,631,946  | 90/006,492<br>90/006,679               | Affirmed in part | 289, 296-305, 307-309, 314-329, 333  |
| 5,819,172  | 90/006,493<br>90/006,680<br>90/007,735 | Affirmed         |  |
| 6,067,451  | 90/006,494<br>90/006,681<br>90/007,726 | Affirmed         |  |
| 6,317,592  | 90/006,495<br>95/000,020               | Affirmed         |  |

36. After years of reexamination proceedings, the validity of claims 15, 32, and 34 of the '960 patent, which RIM was found to infringe at trial, have been upheld.

37. NTP has appealed the Board's decisions to the United States Court of Appeals for the Federal Circuit, as to those patent claims that the Board did not confirm. The appeal is pending.

#### **E. Defendant's Infringing Activities and Notice Thereof**

38. Defendants have been, currently are, and continue to directly and/or indirectly infringe one or more claims of the Campana Patents by making, using, selling, offering to sell and/or importing into the United States one or more products and/or services that infringe the Campana Patents or that are specially adapted for use in infringing products. Such activities include: (1) sales and distribution of infringing devices, software and services through retail